

RIGHTS-BASED INTEGRITY DEVELOPMENT IN PUBLIC SECTOR INSTITUTIONS – A PROPOSED ANTI-CORRUPTION FRAMEWORK

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[Abstract]

This paper introduces the dimension of human rights into the integrity issue¹ involving public sector institutions. The concern over the eroding integrity of government institutions is very much linked with rampant and pervading issue of corruption, which has plagued the entire bureaucracy. The paper presents a framework that applies human rights to integrity development transforming public sector institutions into the following dimensions: a) Human Rights principles-Centered Institutions, b) Human Rights Obligations-Bound Institutions, c) Human Rights Normative Content- Guided Institutions and d) Duty-Bearer-Claimholder-Oriented Institutions

Human rights framework is a good basis for integrity development. Human rights provide the purpose of existence of public sector institutions. The HR framework defines the standards and criteria for governance and development. It clarifies obligations of the state and its instrumentalities in the context of the international framework. It disciplines various public sector institutions into being oriented to their obligations as duty holders towards the people as claimholders in managing delivery of services. It places primordial concern for protection and sustained commitment for progressive realization and expansion of human rights and freedoms towards constant human development of individuals, groups and communities.

Many government institutions are averse to human rights especially with respect to international norms.² Many government agencies think that it is inappropriate for human rights to be prescriptive especially with respect to implementation of international human rights standards. But this is something, which requires deeper understanding in light of the UN system. For more than 50 years, different countries especially the developed economies failed, in so far, as adhering to the universal standards of human life. Such standards were not observed in the management of development. By virtue of having ratified international human rights treaties, the state like the Philippines, binds itself legally to observe and comply with the prescribed norms, as a matter of state obligation.

A rights-based Integrity development in government is not something that could be achieved overnight. A deliberate process and functional mechanism must be installed to sustain efforts at improving integrity of public institutions. Academic Institutions, being a major source of professionals and workers in public sector institutions have a strategic role to play, as suggested in this paper.

¹ This is emerging as a global concern to orient public institutions on human rights obligations under the various international human rights treaties to which the Philippines is a signatory.

² This is so because the application of human rights normative standards is perceived to incur additional costs on the part of government.

RIGHTS-BASED INTEGRITY DEVELOPMENT IN PUBLIC SECTOR INSTITUTIONS – A PROPOSED ANTI-CORRUPTION FRAMEWORK

I. Introduction

This paper introduces the dimension of human rights into the integrity issue involving public sector institutions. The concern over the eroding integrity of government institutions is very much linked with rampant and pervading issue of corruption, which has plagued the entire bureaucracy. It is believed that corruption in public sector institutions is of such great magnitude, which has caused much alarm to practically all sectors of society.

Good men and women of the Philippine society representing different beliefs and affiliations have tirelessly exerted diverse initiatives to address the issue of corruption that has permeated public sector institutions and governance in the country. They have likewise conglomerated themselves in different ways to demonstrate their vigilance and dedication to combat corruption but their efforts have never been enough to arrest occasions and incidents of corruption.

Contemporary development shows that public trust and confidence in public sector institutions has significantly eroded. Even if some agencies and institutions take exceptions from this sad reality, still the government as a whole is perceived to have been eaten up by the ills of graft and corruption. Thus, this paper offers a different way of thinking how governmental institutions could regain integrity. It is not claiming to be the only recourse but it can be viewed as alternative perspective that could complement all other strategies and approaches that are used to approximate solutions to corruption that destroys the image and credibility of public sector institutions.

This paper seeks to contribute to ongoing discourses on integrity issues in governance and public administration affecting public sector institutions by linking human rights framework and concepts that may help bring about shift in the mindset and perspectives in the functioning of public sector institutions.

II. Strategic Assessment of Public Sector³

An analysis of the strengths, weaknesses, opportunities and threats in the fight against corruption points to a common factor that of – weak integrity of public sector institutions. The weakening integrity of public sector institution is not much attributed to lack of system, rules and procedures but to lack of philosophy, principles, criteria and standards of performing institutional mandates. The following table approximates such analysis.

³ This is an assessment made by the proponent of this paper to show that the weaknesses of public sector institutions stem from the fact that these institutions seemed to be unaware of the human rights criteria and standards that these institutions should apply in carrying out their mandates.

Table 1**Indicative Assessment of Public Sector Institutions: A SWOT Analysis⁴**

STRENGTHS	WEAKNESSES
• Extensive institutional mechanisms to combat corruption • Legal guarantees against corruption are in place • International guarantees on anti-corruption support national initiatives • Active and vigilant media, church, non-government organizations and civil society in general • Rationalization of the entire government bureaucracy • Ongoing reforms in the judiciary both at the national and local level • Ongoing reform initiatives in the other pillars of justice such as law enforcement, prosecution, correction and community • Institutionalized streamlining budget procedures, National Government Accounting System (NGAS) and an automated information system component – E-NGAS, procurement reforms, computerization of the budget process, and	• Relatively lack of functional independence of anti-corruption agencies from political influences • Institutional weaknesses of anti-corruption agencies • Politicized appointment system in the government • Poor accountability system among government agencies • Poorly communicated procedures in accessing services specifically in the area of government regulatory function • Highly discretionary approval or disapproval process aggravated by the lack of management information system • Active media involvement
OPPORTUNITIES	THREATS
• Consistent pronouncements of government to combat corruption both at the promotion and punitive tracks • Vigilance of media, non-government organizations, church and other civil society groups • Initiatives of anti-corruption agencies to collaborate and establish partnerships in instituting prevention, prosecution • Public awareness	• General breakdown of political leadership and credibility • Lack of political will specially among national and local leaders especially those who occupy high positions in government who lack credibility to pursue anti-corruption measures; • Vulnerability of some major media organizations whose anti-corruption crusade is sometimes threatened by professional or business survival issues • Inadequate structure, mechanisms and resources of major anti-corruption agencies to include uncoordinated efforts among these institutions • Inadequate support from the legislature particularly some of its members who have interests to protect

⁴ The author using the SWOT analysis as a tool undertook this assessment. It is indicative as it reflects the judgment of the author. This is material as the author's premise for proposing a framework for Rights-Based Integrity Development.

III. Integrity Development in Governance⁵

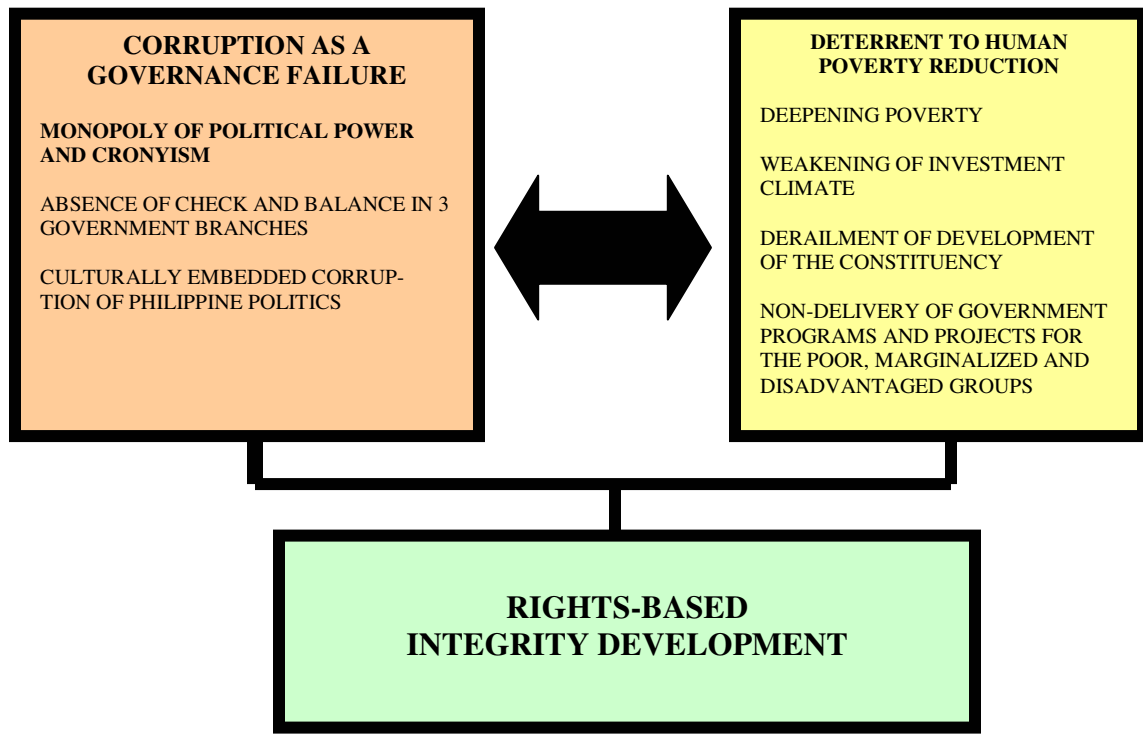
By raising levels of institutional integrity, corruption can be reduced; and this approach is vital if other efforts to promote sustainable and equitable development are not to be undermined. Most importantly, the heaviest cost is typically not so much in the bribes themselves, but rather in the underlying economic distortions they trigger and in the undermining of institutions of administration and governance. Corruption greatly weakens the authority and capacity of the fledgling state. .

Underpinning the integrity development approach is the conviction that all of the issues of contemporary concern in the area of governance—capacity development, results orientation, public participation, and the promotion of national integrity--need to be addressed in a holistic fashion. The overall goals should include:

- Public services that reduce poverty and contribute to sustainable development;
- Government functioning under law, with citizens' interest considered above all else;
- Institutional performance, which yield benefits to the country in general, especially the poorest and most vulnerable members, and not just to well-placed elites.

⁵ This is the personal commentary of the author.

FIGURE 1: CORRUPTION AND HUMAN POVERTY: UNDERLYING ISSUES FOR INTEGRITY DEVELOPMENT⁶



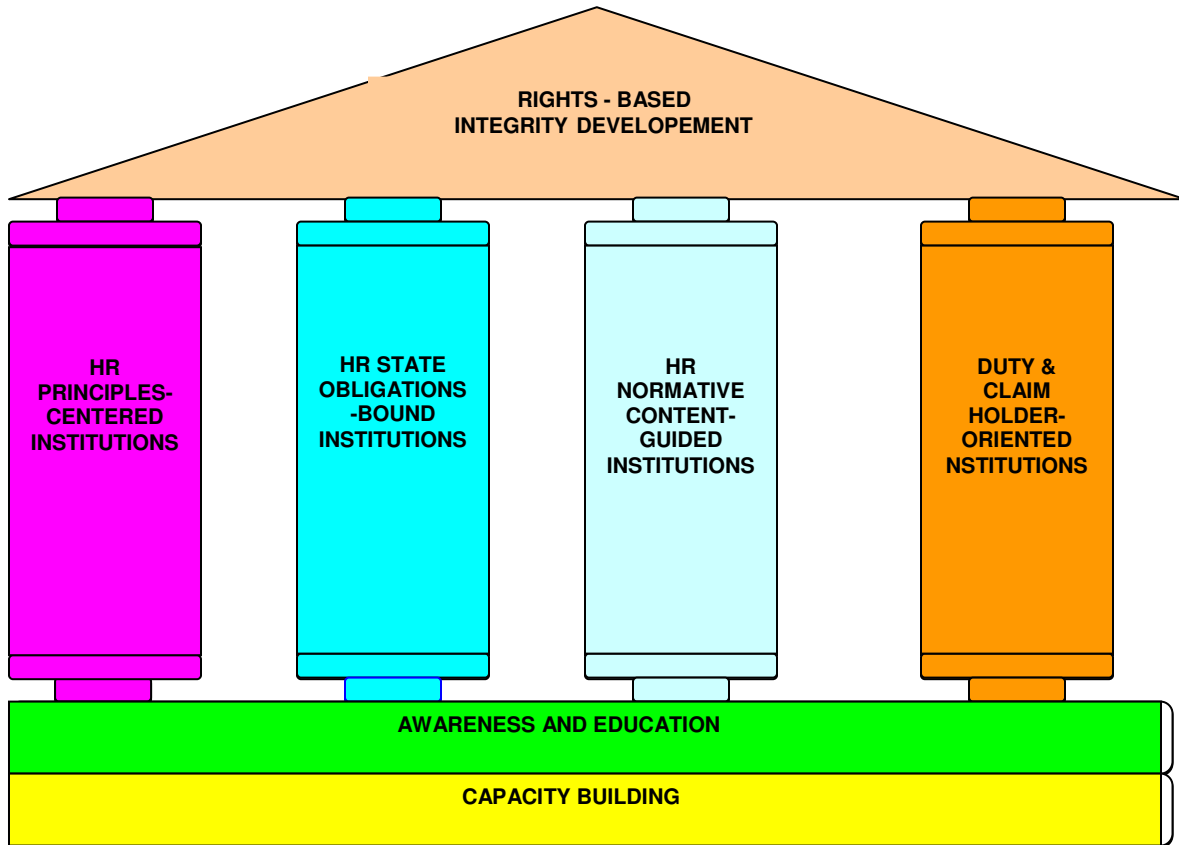
As shown in Figure 1, weak institutional integrity ruins governance. While the Philippines has a history of corrupt practices rooted in its culture, its government structure has deteriorated characterized by monopoly of political power and cronyism that impede upon the check and balance in the three branches of government. These three branches, which should be independently functioning have been eroded and politicized for perpetuation of economic power. Government institutions become instruments for perpetuation of economic power of the elites in exchange for personal economic gains, political power and the like.

This makes institutions irrelevant to the people. People's welfare comes next to individual personal gains and protectionism as far as perpetuating the interest of the few rich corroborated by those who have political power. Careerism in public sector institutions has weakened too as bureaucrats are used by politicians in circumventing rules and regulations in extorting money from development projects that should otherwise be benefiting the people especially the poor and vulnerable sectors of society. Mostly abused is government's regulatory function, which discriminates the poor in terms of access to productive assets that consequently deepens poverty in the country.

⁶ This is an original framework developed by the author which depicts a Rights-Based Framework.

IV. Rights-Based Integrity Development

Figure 2: Pillars of Rights-Based Integrity Development in Public Sector Institutions⁷



A. HR PRINCIPLES-CENTERED INSTITUTIONS

Governance is concerned with systems, rules and procedures to combat corruption. But such focus is not enough. Public institutions should be committed to certain values and principles. While governance has a wide array of principles, human rights adopt the same principles with greater force. The figure suggests that integrity development has a purpose, which is transforming public sector institutions into an accountable, transparent and responsible instrument of the state or government.

The human rights framework specifically its set of principles is an effective guide to building integrity among institutions. The table below suggests the application of such principles across public sector institutions

⁷ This is an original framework being proposed by the author.

Table 2
Application of HR Principles in Integrity Development⁸

Human Rights Principles	Application to Integrity Development
Universality of Human Rights	The principle of universality brings all human beings within the scope of human rights. The vision and mandate of public sector institution must have this principle as the underlying purpose for its existence that they operate to ensure that all human beings as their immediate clients are born free, have equal dignity and rights that are permanent and constant which should be the primordial consideration in their business transactions. Public sector institutions that embrace this integrity principle are likely to veer away from corrupt practices
Non-Discrimination and Equality	Public Sector Institutions should be committed to these principles connoting that their provision of services and programs should never have restrictions based on race, color, gender, language, religion, political or other opinion, social origin, property, birth or other status. Institutions engage in systemic corruption violate these principles as such practice tends to marginalize, exclude and cause prejudice of individuals, groups, communities and sectors especially when they are deprived of the resources due them in terms of government monies pocketed by public officials or when they prefer one type of client over the other indiscriminately for personal gain
Accountability	Accountability in the context of integrity development is something that should be demanded from among public sector institutions. This principle basically resides in the state including government instrumentalities. Since sovereignty resides in the people, then public sector institutions with integrity should always position itself to be of real service to the people. Similarly, these should also work for building accountability among the people that of making individuals or their clients to exercise rights responsibly and to enlighten them that they have duties and responsibilities to other individuals, groups and communities
Attention to Vulnerable Groups	Public sector institutions should be enlightened into thinking that corruption marginalizes people in terms of depriving them the opportunities for productive and development assets. Since these institutions manage public funds, they should be conscientized that they make vulnerable groups suffer a lot when they pocket public funds that are intended for public services. Focus targeting of vulnerable groups as priority development concern should be the primordial consideration of public sector institution with integrity to undertake public service.
Equity	Public sector institutions should have sense of fairness, justice and impartiality in their dealings with their public clients. Institutions without integrity reinforces social injustices especially among those vulnerable and marginalized groups who are deprived of resources and opportunities due them
People's Participation	Institutions of government exist to manage human development. As such these institutions should ensure that people's participation is free, voluntary, and effective and full in their involvement at all levels of social, political and economic decision making. Institutions with integrity recognize this principle

⁸ This is an original proposal of the author demonstrating the application of the various human rights principles in integrity development. The author attempted to interpret the human rights principles in the context of how public institutions show be apply to apply these principles to achieve certain level of integrity.

	as an imperative for quality participation and not token participation
Transparency	Integrity demands transparency among public sector institutions. Secrecy undermines both the accountability of government institutions and jeopardizes the exercise of human rights of the people as they are deprived of access to the truth that should guide them.
Empowerment	A public sector institution with integrity seeks empowerment of their constituency. A corrupt institution has no moral authority or ascendancy to empower people whom it abuses with its malpractices
Rule of Law	Laws guarantee human rights. Public sector institutions with integrity respects rule of law and do not circumvent law for furtherance of personal goals and interests. Public institutions recognize individual and collective rights. Public sector institutions, which adhere to rule of law should have the moral fiber not to circumvent law for the satisfaction of personal gains

It is viewed that integrity development should be founded on these human rights principles in order to be sustainable and responsive. Public sector institutions aiming to achieve integrity development should live by these principles. These institutions should uphold these principles and create internal conditions whereby individuals comprising their institutions could exercise such principles as a way of life in the institutions they belong

B. HR STATE OBLIGATIONS-BOUND INSTITUTIONS⁹

The concept of state obligation implies the duties and accountabilities of government under the international human rights framework. Therefore, it goes without saying that government institutions and instrumentalities exist to perform certain obligations for the governed. Amidst poverty in the country, state obligation must be taken up in full force. State and its government should be beholden to the people that comprise it. After all, government is of the people, by the people and for the people.

Public sector institutions with integrity are duty or obligations bound. The performance of obligation is a permanent accountability like that of parents to their children. Institutions with integrity honor such obligations. The usefulness, relevance and responsiveness of public sector institutions must be measured against the level of performance of the state and instrumentalities in performing its obligations.

State obligations are founded on both international and national human rights framework. At the international aspect, obligations are prescribed under international human rights treaties, which the state has signed. At the national aspect, duties are enshrined in the country's constitution. State obligations are both positive and negative. It is positive resulting from acts of commission and negative arising from acts of omission.

⁹ This section attempts to apply the concept of duty-obligations to transforming public sector institutions are obligation bound institution. The generic concept of state obligation was drawn from the literature of the UNDP entitled "Rights-Based Development: A training Manual. However, its application in this paper was a product of the conceptualization of the author.

Table 3
STATE OBLIGATIONS-BOUND INSTITUTIONS¹⁰

Human Rights State Obligations	Application to Integrity Development
1. Obligation to Respect	• Forbids the state to act in any way that violates the people's right to good governance • Foster compliance of the state institutions to create enabling environment conducive to realization of the right to development of individuals, groups and communities • Prohibits acts of the state that derails people's livelihood, people's personal security, health, education, and other social services through corrupt practices • Requires state institutions to remove all blocks to achieving development by individuals, groups, communities
2. Obligation to Protect	• Compels the state and its instrumentalities to prohibit others from committing corrupt practices that impact on human rights • Binds the state to take measures to overcome corruption as it results to deprivation of the poor in terms of development services • Binds the state to curb if not eliminate corruption in areas that affect delivery of basic services to the people especially to the poor and vulnerable
3. Obligation to Fulfill	• Binds state to adopt measures to finance basic services and Millennium Development Goals by reducing level of corruption especially in institutions directly involved in services delivery • Compels state and its instrumentalities to do fiscal reforms giving more importance to basic services

C. HR NORMATIVE CONTENT-DRIVEN INSTITUTIONS

Integrity development can also be achieved if the state and public sector institutions will be made to apply the normative content of every human right as enunciated in the international human rights treaties to provide focus and direction to their institutional mandates.

Public sector institutions may be further rationalized in terms of more efficient allocation of resources if they will be grouped according to their human rights mandate. This means looking into their mandates and classifying and grouping them according to the rights they ought to respect, protect and fulfill. The rights dimension of their respective mandates may be realigned, coordinated and proper complementation be achieved if resource allocation will be done according to

¹⁰ This table reflects the attempt of the idea of the proponent on how to apply the concept of obligations in integrity development.

specific rights each institution ought to serve. Human rights driven institution will not be prone to committing corruption, as budget allocation will be done by particular set of human rights, which have very specific claim holders. Public service institutions will then be made to plan initiatives and plan over a period of time to attain progressively over time the realization of the normative criteria and standards of human rights. Public services point to enjoyment and fulfillment of specific human rights as prescribed under specific International Human Rights Treaties and General Comments, which contain the following normative content:

Table No. 4 NORMATIVE CONTENT OF HUMAN RIGHTS¹¹

RIGHTS	CORE CONTENT	NORMATIVE BASES
Right to Life	The supreme and inherent human rights from which no derogation is permitted, even in time of war or public emergency. Whereas it begins at birth according to International Law, it begins at conception in the Philippine Law.	Article 3 of UDHR; Article 6 of ICCPR; General Comment 6, HRC (1982); Article 5(b) of ICERD; Article 6 CRC; and Section 1 Article III of the 1987 Philippine Constitution
Equality and Non-Discrimination	This includes substantive equal protection of the law and enjoyment of all civil, political, economic, social and cultural rights. Its most important element is the distinction, exclusion, restriction, preference or prohibition of discrimination based on race, color, sex/gender, language, disability, descent, age, religion, political or other opinion, national or ethnic/social origin, property, birth or other status which has the effect or purpose of impairing/nullifying the recognition, enjoyment or exercise of human rights	Equality: Article 7 of UDHR; Article 3 of ICCPR; Article 3 of ICESR; Article 8(1) of the Right to Development; Article 5 of ICERD; Article 9&15 of CEDAW; Section 1 Article III of the 1987 Philippine Constitution; and Non-Discrimination: Article 7 of UDHR; Article 2(2) of ICESR; Article 2(1) & 20(2) of ICCPR; Article 6(1) of the Right to Development; Article 1,3&4 of ICERD; Article 1,2,4&7 of CEDAW; and Article 2 of CRC.
Political Rights and Freedoms: Right to Participate in Government, Freedoms of Opinion and Expression, Freedom of Movement,	These may be exercised directly or indirectly, individually or collectively but must be free, genuine exercise, and voluntary. - Take part in the government directly or indirectly through freely chosen representatives; equal access to public services; and the will of the people as basis of government authority - Freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers - Freedom of movement and residence within the borders of state, leave any country, including his own and return to his country and shall not be subject to any restrictions	Right to Participate in Government; Article 21 of UDHR; Article 5 of ICERD; and Section 16 Article III of the 1987 Philippine Constitution; Freedom of Opinion and Expression; Article 19 of UDHR; Article 19 of ICCPR; Article 5(d) (viii) of ICERD; Article 12&13 of CRC; Section 4 Article III of the 1987 Philippine Constitution. Freedom of Movement: Article 13 of

¹¹ This is completely lifted from the literature prepared by the proponent when she was a consultant of the Center for Public Resource Management. The document is entitled RBA Design Manual, CPRM July 2002. pp. 34-35.

RIGHTS	CORE CONTENT	NORMATIVE BASES
Right of Peaceful Assembly and Association	except those which are provided by law, consideration of national security, public order, public health or morals or the rights and freedoms of others. - No restrictions on the exercise of this right to peaceful assembly to include right to form and join trade unions for the protection of his interests except those in conformity with the law, in the interest of national security or public safety, public order, public health or protection of rights and freedoms of others	UDHR; Article 12 of ICCPR; Section 6 Article III of the 1987 Philippine Constitution; Right of Peaceful Assembly and Association; Article 20 of UDHR; Article 20&21 of ICCPR; Article 5(d) (ix) of ICERD; Article 15 of CRC; and Section 4 Article III of the 1987 Philippine Constitution.
Right to Social Security	This is a right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in circumstances covering all risks involved in the loss of the means of livelihood or subsistence for reasons beyond a person's control	Article 22 of UDHR; Article 9 of ICESCR; General Comment 5&6 ICESCR (1994/1995); Article 8(1) of the Right to Development; Article 11 (e) of CEDAW; and Article 25 of CRC
Right to Work	This right covers: free choice of employment; just and favorable conditions of work; protection against unemployment; equal pay for equal work, just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity; to form or join trade unions for the protection of his interests; equal opportunity to be promoted in employment; rest leisure and reasonable limitation of working hours, etc.	Article 23 of UDHR; Article 6,7&8 of ICESCR; Article 8(1) of the Right to Development; Article 5(e)(i)(ii) of ICERD; Article 11 of CEDAW; Article 32 of CRC; and Section 3 Article XIII of the 1987 Philippine Constitution.
Right to Health	This is a right to access and enjoyment to health services and facilities, and to enjoy certain social conditions favorable to the highest attainable standard of health. Such right considers: availability in terms of functional health services, programs and facilities: accessibility in terms of information availability, physical and economic accessibility, cultural appropriateness and respectful of medical ethics and quality in terms of scientific & medical appropriateness.	Article 25 of UDHR; Article 12 of ICESCR; General Comment 14 ICESCR (2000); Article 8 of the Right to Development; Article 5(e)(iv) of ICERD; Article 12 of CEDAW; Article 24 of CRC; and Section 11,12, &13 Article XIII of the 1987 Philippine Constitution.
Right to Food	This covers availability, adequacy and physical and economic accessibility of food supply, and the stability of the supply. In addition, it is not limited to calories, proteins and specific nutrients. Likewise, it is linked to sustainability not only for the present but also for the future generations.	The normative bases are: Article 25 of UDHR; Article 11 of ICESCR; General Comment 12 ICESCR (1999); and Article 8 of the Right to Development.
Right to Housing	This refers to the right to live somewhere in security, peace and dignity. Its core contents include the legal security of tenure, availability of infrastructure, facilities, materials and services, affordability, habitability in terms of space, protection and safety against structural and health hazards, accessibility, location, and cultural adequacy	Article 25 of UDHR; Article 11 of ICESCR; General Comment 4 of ICESCR (1991); General Comment 7 of ICESCR (1997); Article 8 of the Right to Development; Article 5(e)(iii) of ICERD; Section 9&10 and Article XIII of the 1987 Philippine Constitution.
Right to Education	Availability of Functioning educational institutions and existing programs in sufficient quantities; trained teachers; non-discriminating;	Article 26 of UDHR; Article 13 of ICESCR; General Comment 11 of CESCR (1999);

RIGHTS	CORE CONTENT	NORMATIVE BASES
	physically and economically accessible; acceptable in terms of quality, cultural appropriateness; and flexibility and relevance. It also includes the right to free universal primary education, secondary higher, fundamental, technical and vocational educations. The government is also required to set up school system and to respect educational freedom, such as freedom of parents/guardians to choose the school for their children, and right of foreigners to set up schools.	General Comment 13 of CESCR (1999); Article 8(1) of the Right to Development; Article 5(e)(v) of CERD; Article 10 of CEDAW; Articles 28&29 of CRC; and Article XIV of the 1987 Philippine Constitution.
Right of Reparation	This is an inherent right associated with an effective protection of human rights for the purpose of relieving and affording justice to victims. The victims can seek redress for human rights violations through restitution, compensation, rehabilitation, and non-repetition.	Article 8 Universal Declaration of Human Rights; Article 2(3a-c) ICCPR; Article 5, Declaration on the Right to Development; Article 6, CERD; Articles 4 and 39, Convention on the Rights of the Child

The application of the normative content should consider four elements such as: availability, accessibility, acceptability and quality. Some examples of the applications of normative content-based institutions are:

Table 5
Elements of Normative Content-Based Institutions

HR Normative Content
<u>Availability:</u> presence of services, quantity required, site specific, sufficiency against number of population
<u>Accessibility:</u> non-discrimination, physical accessibility, economic accessibility and information accessibility
<u>Acceptability:</u> culturally appropriate and respectful and sensitive to traditional practices
<u>Quality:</u> of good quality, stable and sustainable and capacity of resources: technological, human and natural resources for progressive realization

Public Sector Institutions with integrity must adopt these four (4) elements of the normative content of human rights as criteria and standards in the performance of their governmental mandates. The normative contents of human rights are stipulated in the various International Human Rights Treaties signed by the different members of the UN Family, like the Philippines. Embracing them as criteria and standards of public service demands strong drive for institutions to comply with their obligations to take appropriate measures and strategies to improve public service and leaves no room for corruption to set in as

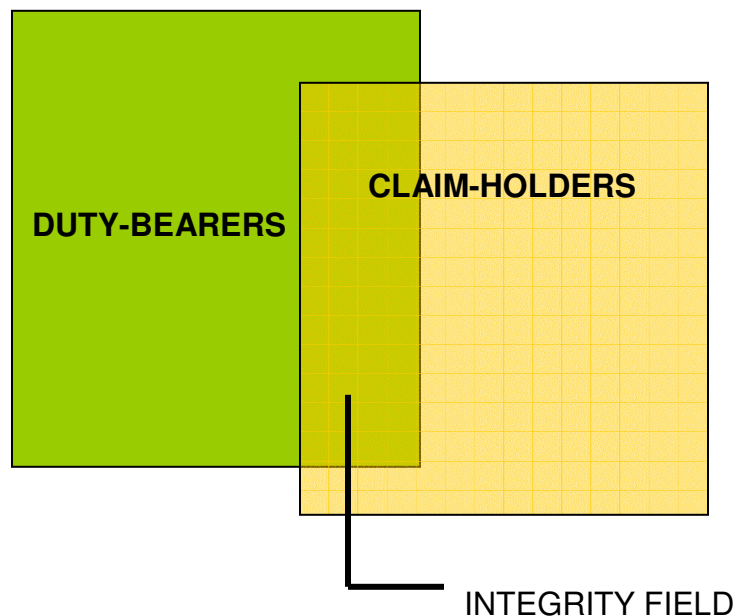
accountability in the performance of these normative values become an integrity standard.

Corruption breeds among institutions without standards and criteria for delivering quality, stable and sustainable service to the public, as a matter of obligation.

D. DUTY & CLAIM-HOLDER ORIENTED INSTITUTIONS

Public sector institutions that are well capacitated with utilizing the obligation bound duty holder and rights entitlement oriented claim holder mechanisms could better tighten their systems and procedures for a results driven management that lessens opportunities for corruption. Such concepts tighten accountability, transparency and responsibility in the public sector institutions. Public sector institutions with well-identified constituencies will likely veer away from corrupt practices, as stakeholders of their particular service are more vigilant and guarded with clear-cut accountabilities of the institutions that are laid out to them. Therefore, a clear mapping out of these stakeholders and how they will participate and contribute to achieving the mandate of the institutions is a sure guarantee check against corruption.

FIGURE 3: INTERACTION OF DUTY BEARERS AND CLAIM HOLDERS¹²



Public sector institution with critical awareness as to the one on one correspondence of duty and entitlement as the basis for interaction of institutions and people is a one hundred percent guarantee against corruption. It is different

¹² This is again an original proposal of the author to illustrate the power relations of the duty-bearers and claimholders. The overlapping area as perceived by the proponent may be regarded as integrity field.

when institutions and the people who make up the institutions are driven by the novelty of performing obligations, which have claim holders. Meaning every type of service is equivalent to rendition of obligation to certain groups, communities or segments of society. Institutions as duty bearers become more accountable, transparent and responsible as claim holders watch over them. Claim holders on the other hand perform the exercise of their rights responsibly by doing its part of the responsibility to match obligations of public institutions.

The Interaction between the duty bearers and claim holders is represented in the “integrity field” where institutions and people become more transparent, accountable and responsible in the exercise of duties and responsibilities in various governance fields.

E. Role of Institutions in Rights-Based Integrity Development

Institutions	Role ¹³	Rights-Based Standards
Legislature	Elected parliaments can be at the forefront of the fight against corruption. An elected parliament has the legitimacy to hold the executive accountable. However, a corrupt political elite--often sustained by illicit political party financing--and obscure practices in both public appointments and decision-making processes are major obstacles to reform.	• HR Standards must be guaranteed by law • Laws enacted uphold inherent dignity of every person • Fair and just legal framework • Public policies are compatible and harmonized with human rights • Budget passage made on the basis of equity and justice before enacted
Executive	The Executive has a central role in building, maintaining and respecting a country's national integrity system. Ideally, the Executive will provide a living example of a country's integrity to the political system and its components and assume the role of the leader in terms of pro-democratic reform. An honest but isolated Executive,	• Rights and rule-based Institutions • Applies normative content of human rights obligations in the planning and programming of services to ensure viability and sustainability of services especially to the poor, vulnerable and

¹³ Transparency International Source Book 1

	however, is not sufficient. It is essential that dispositions be put in place which specify not only the role and responsibilities of the government, but that also clarify its interrelationship with other public and private bodies.	marginalized sectors
Judiciary	An independent, impartial and informed judiciary holds a central place in the realization of a just, honest, open and accountable government. Being exempt from direct control, the rules of appointment, status and conduct of its members are of utmost importance. However, individual members of the judiciary must be held accountable in ways that do not compromise the institution's independence. Such accountability strengthens the institution's independence: it increases integrity and helps to protect the judicial power from those who might want to erode it. Otherwise a judiciary can become simply a tool in the hands of powerful--and corrupt--elite.	• Respecting, Protecting and Fulfilling Human Rights • Impartiality of decisions based on facts, in accordance with law and without any improper influence or pressure¹⁴
Auditing Institution	The Supreme Audit Institution is responsible for auditing the state's income and expenditure, and acting as a watchdog over its financial integrity. As an external auditor acting on behalf of the tax payer and his representatives in parliament, it is essential that the Auditor-	• Fully capacitated with the concepts of state obligations and rights entitlements • Functional understanding of duty holder function among government institutions • Functional understanding

¹⁴ United Nations General Resolution 40/32. Basic Principles on the Independence of the Judiciary adopted by the 7th Crime Congress at Milan from August 6 – September 26 1985

	General is not appointed by the governing party and that he / she enjoys appropriate tenure of office.	of claim holders to reinforce its role as watchdog
Ombudsman	The Ombudsman constitutes an office, which, independently of the executive, receives and investigates complaints about maladministration. It gives individuals the opportunity to have decisions, which affect them reviewed by an independent and expert body, without the expenses and delays of court proceedings. Independence from political interference, adequate resources, accessibility and high levels of public recognition are among the prerequisites for its effectiveness	Guided by the functionality of human rights principles and concepts of duty holder and claim holder and normative content of rights guaranteed under international human rights treaties and national laws
Other Anti-Corruption Bodies	As corrupt practices become ever more sophisticated, conventional law enforcement agencies are less well placed to detect and prosecute corruption cases. Specialized and independent anti-corruption agencies can present the advantage of being exclusively devoted to fighting corruption. The success of such agency depends on both the determination and integrity of its staff and the political will for it to succeed as displayed and fostered by country's leadership. Without proper resources, the guarantee of independence and inter-institutional support, the best-	Guided by the functionality of human rights principles and concepts of duty holder and claim holder and normative content of rights guaranteed under international human rights treaties and national laws

	intended agency will fail to fulfill expectation. In a best-case scenario, however, an ICAC can be an important part of a broader national plan of action.	
Civil Service	In ideal world impartial and honest civil servants execute their tasks in an efficient and unbiased way for the benefit of society. Assisting the government in the formulation and execution of policies, the civil service is the link between the governors and the governed and is, as such, at the centre of potential conflicts. Exposed to threats from the top (politicization of the civil service) and the bottom levels (unsolicited bribes), the maintenance of its members' integrity is a key to efficient service delivery and just and honest government.	• Vanguard for human rights protection and promotion • Instrument of government to make operational the principles of equity, empowerment, transparency, accountability, rule of law, and genuine people participation in services delivery
Local Governments	Local governments have increasingly come into the focus of anti-corruption strategists as it is on the local level that the direct effects of corruption impact most visibly on the ordinary citizen. Corruption should not only be fought from the top; an important bottom-up dimension is added by targeting the municipal level.	• Capacitated into the various economic, social, political and cultural rights of the people • Capacitated into the concept of duty holder and claim holder system of human rights
Media	Availability of information is a prerequisite for the creation	• Capacitated with the criteria and standards for

	of an informed public, empowered to participate meaningfully in public debate and to hold those who govern accountable. It is fundamental to democracy itself. A free and independent media is the principal vehicle for taking information to the public. A free, independent, accountable and ethical media whose status the law protects and who is not subject to political or otherwise opportunistic leadership can assume an important watchdog function and act as an agent of awareness. Freedom of speech and information, however, has its limits where their dissemination goes against the public interest.	the people rights to information
Civil Society	Civil society--the sum of organizations and networks which lie outside the formal state apparatus and that gain legitimacy for their actions from promoting the public interest on a non profit basis--has emerged as a central player in world politics. Adding a third dimension to the traditional public-private axis, civil society (i.e. non-governmental) organizations have effectively backed popular demands for greater accountability and responsiveness and helped to initiate important anti-corruption efforts. The institutionalization of civil society participation is thus a	• Empowered and educated on the normative content of their rights entitlements • Capacitated on the relationship and interaction between duty holder and claim holder

	major challenge and can add an important bottom-up dimension to conventional anti-corruption strategies.	
Private Sector	The private sector has a special role to play in the maintenance of a country's national integrity. Corporations exist to make profits, and if they fail, their stakeholders will suffer. However, the view that 'all that matters is the bottom line' is giving way to a new sense of corporate responsibility both within the organization and towards the societies in which they operate. This development is ever more important as the private sector is increasingly given the task of providing essential goods and services that previously were in the preserve of government agencies. Corruption can occur both within the private sector and between the private and public sectors, and there is a growing body of evidence that companies that tolerate corruption are placing themselves at risk. It is therefore crucial that businesses come to see the benefits of good corporate governance and play an active part in containing corruption.	• Capacitated on corporate responsibility as a non-state actor of human rights obligations • Capacitated into a rights-based partnership with government that promote and protect human rights rather than violates through corrupt practices
International Actors and mechanisms	It is essential that steps be taken to facilitate international co-operation in the field of corruption	• International cooperation facilitated through ratification of the United Nations Convention on

	prevention and prosecution. Many countries are now moving towards the development of formalized international assistance arrangements such as the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997) and the Inter-American Convention against Corruption (1996)--in the light of an ever greater recognition of the adverse effects of corruption and the moral responsibility of governments to avoid harboring its proceeds.	Anti-Corruption
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V. Integrity Development Approach and Mechanism

In the context of human rights, integrity development is an approach for reorienting public sector institutions into their real purpose of existence-- as instruments of governance for realization people's human rights and freedoms towards achieving fullest human development. This approach brings to fore the core philosophy and rationale behind the existence of public sector institutions. Public sector institutions for this purpose refer to all agencies and instrumentalities of government for economic, political and administrative governance, which cut across all branches of government. For this approach to work a consortium of academic institutions and oversight agencies must join hands to put up implementing mechanism for integrity development following this process:

A. Development and Advocacy of a Rights-Based Integrity Development Framework to be undertaken jointly by academic institutions.

Academic Institutions with unquestionable integrity could very well serve as vanguards for integrity development in public sector institutions. These academic institutions are the producers of graduates and professionals who are trained to serve the country with their talents that were honed in schools. Such academic institutions could therefore be tapped in advancing and advocating a framework on integrity development in public service institutions, which are the market of

their produced professional talents. Using a rights-based integrity framework, this school may also set integrity indicators, which they may use also in gauging the integrity status of public sector institutions as a measure for good governance. A law designating a consortium of academic institutions to shepherd the initiative could institutionalize the integrity development framework and mechanism.

- B. Building of national ownership for the framework through series of public hearings at all levels: national, regional, provincial, city and municipal and barangay to be conducted by the national government and the Local Government Leagues.

National ownership of the integrity development framework and mechanism could be achieved through series of advocacy activities using multi-media and social mobilization work. National ownership of the integrity development framework should eventually emerge as a national pact containing the integrity standards and indicators that should guide operations of public sector institutions. The range of these standards and indicators could be graduated and could be achieved progressively over time.

- C. Conduct of review and assessment of institutions both national and local vis-à-vis the framework and the 4 elements of a Rights-Based Integrity Development of public sector institutions.

If there is a performance evaluation system for government employees, there should also be an integrity evaluation, which should reflect the collective effort of the institution in making itself more responsive, more relevant, more honest, more accountable, just and fair and other possible qualifying indicators to describe institutional integrity. Thus, periodically, the institution draws key measures to achieve integrity development.

- D. Periodic publication of report cards to show the status of compliance of public sector institutions vis-à-vis indicators of compliance with the integrity development framework. Again, academic institutions for the government could administer this. The effect of this report card system is mutually reinforcing for both academic institutions, which must also maintain certain level of integrity and public service institutions, which are the targets for improving public service.
- E. Institutionalization of an Integrity Development Index to periodically rank public sector institutions. The index contains the standards and indicators of a functional integrity system in public sector institutions. The Consortium of Academic Institutions could do ranking of institutions independently. Institutions with high integrity index will be given rewards in many forms like being given additional share of the annual government budget and the like.

VI. Conclusions and Prospects

Integrity development IN government is not something that could be achieved overnight. A deliberate process and functional mechanism must be installed to sustain efforts at improving integrity of public institutions. The oversight agencies namely, the Commission on Audit, Civil Service Commission and Commission on Human Rights will not be the right institutions to shepherd this effort. The Consortium of Academic Institution will be the most appropriate agent to administer and manage integrity development. Academic Institutions are the main source of professionals and workers in public sector institutions. They train students in their respective course work how to be effective, responsive and committed to serving other people with the talents they develop in the hope that these could be maximized and optimized for the service of others.

Human rights framework is a good basis for integrity development. Human rights provide the purpose of existence of public sector institutions. The HR framework defines the standards and criteria for governance and development. It clarifies obligations of the state and its instrumentalities in the context of the international framework, as in the case of the Philippines, being a member of the United Nations. It disciplines various public sector institutions into being oriented to the concepts of duty holder and claim holder providing a more purposive interaction between and among stakeholders and premise for managing delivery of service with high degree of respect, primordial concern for protection and sustained commitment for progressive realization of human rights and freedoms for the national constituency towards improved human development of individuals, groups and communities.

Integrity development leads to curbing corruption in the country. Institutions that observe integrity standards and are likewise, subjected to assessment vis-à-vis integrity development index.

With respect to the prospect of this framework being adopted, a lot of advocacy is very much needed. Human rights as standards for public administration and governance has a long advocacy path to get institutionalized. Many government institutions are averse to the concept of human rights especially the international norms. Many government agencies think that it is inappropriate for human rights to be prescriptive especially with respect to implementation of international human rights standards. But this is something, which requires a lot of understanding on account of the Philippines, being a member of the United Nations. For more than 50 years, different countries especially the developed economies failed in so far as adhering to the universal standards of human life. Such standards were not observed in the management of development

At this stage of governance in the Philippines, public sector institutions have generally lost integrity to govern, it will be more than advisable to consciously and deliberately mainstream normative standards on human rights to bring back the integrity component of public sector institutions.

Much has been said about the usefulness of governance principles on accountability, transparency, responsibility and rule of law. All these turned out to be lip service. There is a current imperative for observing criteria and norms, which human rights principles, concepts and practice have lots to offer. These norms are in legal texts. By virtue of having ratified international human rights treaties, the Philippines binds itself legally to observe and comply with the prescribed norms as a matter of state obligation.

What will constrain this framework to get institutionalized are the many wrong notions about human rights. A very simple but not simplistic understanding of human rights in the context of public administration and governance, is that its concepts, principles, norms and standards defines human primordial concerns, to which public sector institutions must be responsive.

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